IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.17138 of 1995

Between:

B.R.K.Varma, S/o. Jagannadha Raju.
R/o Visakhapatnam.

..... PETITIONER

AND

1 The Industrial Tribunal-cum-Labour Court, Rep. by its Presiding Officer, Visakhapatnam.
2 Sri Vijayarama Gajapathi Coop. Sugars Ltd., Rep.

by its Managing Director, Bhimasingi.
Kumaram Post., Jami Mandal,
Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Courtmay be pleased to issue an appropriate writ, order or direction more particularly are in the nature of Certiorari by calling for the records of the 1st respondent in I.D.A.No.30/94 and quash the order passed therein to the extent of denying 50% back wages to the petitioner from the date of termination till the date of reinstatement and also denial of past increments for a period of one year from the date of reinstatement.

Counsel for the Petitioner: Mr. B. ADINARAYANA RAO

Counsel for the Respondent No.1: G.P. for Labour

Counsel for the Respondent No.2: Mr. T.S. HARANATH

The Court made the following :

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ORAL ORDER

This writ petition is filed by the workman i.e. respondent No.2 in W.P.No.7446 of 1995, which was filed by the management against the same Award, aggrieved by the denial of 50% of back wages and also imposing a punishment of stoppage of past increments for a period of one year from the date of reinstatement.

Heard both sides.

In a case where the provisions of Section 25-F of the Industrial Disputes Act,1947 are grossly violated, the question of imposing any further punishment, such as, denial of past increments for a period of one year from the date of reinstatement does not arise. However, the relief sought for by the petitioner that he is also entitled for full back wages cannot be granted, having regard to the peculiar circumstances of this case. Therefore, the impugned Award to the extent of denial of 50% of back wages and reinstatement is confirmed. However, the punishment of stoppage of past increments for a period of one year after reinstatement into service is set aside. Thus, the Award of the Labour Court is modified to the following extent:

> The respondent-management is directed to reinstate the petitioner with 50% of back wages till the date of reinstatement, continuity of service and all other attendant benefits.

This Writ Petition is allowed to the extent indicated above. No order as to costs.

09-12-2004

prk

The Rule nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this the Thursday,

Ninth day of December Two thousand and Four.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Presiding Officer, Industrial Tribunal-cum-Labour Court,
Visakhapatnam.
2 The Managing Director, Sri Vijayarama Gajapathi Coop. Sugars Ltd.,

Bhimasingi, Kumaram Post., Jami Mandal,
Visakhapatnam.

3 2CCs to G.P. for Labour, High Court Buildings, Hyderabad (OUT)

4 2CD copies.